1	EDMUND G. BROWN JR., Attorney General	
2	of the State of California KAREN B. CHAPPELLE,	
3	Supervising Deputy Attorney General KIMBERLEE D. KING, State Bar No. 141813	
4	Deputy Attorney General California Department of Justice	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 897-2581 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	
8	BEFORE THE BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	In the Matter of the Accusation Against:	Case No. 2008-215
11	ELSA TEDLA MENGISTU	Case No. webs vi
12	1754 State Street, Apt. 8 S. Pasadena, CA 91030	ACCUSATION
13	Registered Nurse License No. 654932	
14	Respondent.	
15		
16	Complainant alleges:	
17	<u>PARTIES</u>	
18	1. Ruth Ann Terry, M.P.H, R.N	(Complainant) brings this First Amended
19	Accusation solely in her official capacity as the Exec	cutive Officer of the Board of Registered
20	Nursing (Board), Department of Consumer Affairs.	
21	2. On or about March 22, 2005,	the Board issued Registered Nurse License
22	No. 654932 to Elsa Tedla Mengistu (Respondent). 7	The Registered Nurse License was in full
23	force and effect at all times relevant to the charges by	rought herein and will expire on May 31,
24	2008, unless renewed.	
25	<u>JURISDICTION</u>	
26		fore the Board, under the authority of the
27	following laws. All section references are to the Business and Professions Code unless otherwise	
28	indicated.	

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## STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
  - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.
- 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FIRST CAUSE FOR DISCIPLINE

(Revocation, Suspension, or Restriction of a Vocational Nurse License)

8. Respondent is subject to disciplinary action under section 2761, subdivision (a), (1), (4) of the Code, on the grounds of unprofessional conduct, in that the Board of Vocational Nursing and Psychiatric Technicians disciplined Respondent's vocational nursing

license<sup>1</sup>, based on Respondent's admitted failure to meet accepted standards of practice, as follows:

- 9. In a disciplinary action entitled "In the Matter of Accusation Against Elsa Mengistu," Case No. 6782, the Board of Vocational Nursing and Psychiatric Technicians, issued a decision, effective March 9, 2007, in which Respondent's Vocational Nurse License was revoked. However, the revocation was stayed and Respondent's license was placed on probation for a period of three (3) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference. The circumstances underlying the Decision are that:
- a. On or about March 21, 1998, 86-year old E.B., (a female born in 1912), was admitted to Country Villa East Nursing Center, Los Angeles, California (Country Villa) until her discharge on or about February 22, 2003. Her admitting diagnosis was hypertension, glaucoma and decubitus ulcer.
- b. On or between February 20, 2003 and February 21, 2003, Respondent began her employment and performed services as a Licensed Vocational Nurse at Country Villa.
- c. On or about February 21, 2003, Respondent while being oriented under the supervision of another licensed vocational nurse, was assigned to perform duties relative to the administration of prescribed medications. Respondent assisted in the preparation of the scheduled medications. The scheduled medications were placed in cups and labeled with only the patient's room number (no name or date of birth).
- d. On or about February 21, 2003, Respondent's supervisor prepared medications Baclofen 20 mg (muscle relaxant), MS Contin 60mg (long acting morphine narcotic) and Neurontin 300mg (antiseizure) for client R.B., a male patient, in a cup identified only by a room number. Respondent was instructed by the supervising nurse to administer these medications unsupervised. Respondent incorrectly administered these medications to client E.B instead of client R.B.

<sup>1.</sup> A copy of the Board of Vocational Nursing and Psychiatric Technicians Decision is attached as Exhibit "A" and made a part herein.

1	e. On or about February 22, 2003, client E.B. was transported from Country	
2	Villa to another hospital for emergency care.	
3	f. On or about March 1, 2003, client E.B. died at Queen of Angels	
4	Hollywood Presbyterian Hospital.	
5	g. On or about August 21, 2003, a Deputy Medical Examiner recommended	
6	amending client E.B.'s death certificate to reflect her cause of death to be "sequelae of morphine	
7	intoxication" with contributing atherosclerotic cardiovascular disease and iron-deficiency	
8	anemia.	
9	SECOND CAUSE FOR DISCIPLINE	
10	(Unprofessional Conduct)	
11	10. Respondent is subject to disciplinary action under section 2761,	
12	subdivisions (a) and (d) of the Code, on the grounds of unprofessional conduct, in that	
13	Respondent was disciplined by the Board of Vocational Nursing and Psychiatric Technicians and	
14	violated accepted standards of practice, as a licensed vocational nurse, as more fully set forth	
15	above in paragraphs 8 through 10.	
16		
17	<u>PRAYER</u>	
18	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
19	alleged, and that following the hearing, the Board issue a decision:	
20	1. Revoking or suspending Registered Nurse License No. 654932, issued to	
21	Elsa Tedla Mengistu;	
22	2. Ordering Elsa Tedla Mengistu to pay the Board the reasonable costs of the	
23	investigation and enforcement of this case, pursuant to Business and Professions Code section	
24	125.3;	
25	///	
26	///	
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1	///
2	3. Taking such other and further action as deemed necessary and proper.
3	DATED: 1/18/08
4	
5	Ml & Holder for
6	RUTH ANN TERRY, M.P.H, R.N Executive Officer Board of Registered Nursing
7	Board of Registered Nursing State of California
8	Complainant
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